

Naples City Council

January 23, 2014

Minutes

The regularly scheduled meeting of the Naples City Council was held January 23, 2014, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Matthew Sandan, Tammie Lucero, Shantelle Peterson, Anthony Aguiniga, Cliff Grua, Corbin Reynolds, Megan Fuller, Kate Spencer, Jim Harper, Dale Harrison, Mark Watkins, Connie Patton, Craig Blunt and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Dean Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dan Olsen offered the invocation.

OPENING CEREMONY

Mayor Baker asked for approval of the agenda. Gordon Kitchen stated they could remove the discussion to change the date for the unified animal control ordinance because he will be able to make that date. Craig Blunt asked to add an item under 'other matters'. Dan Olsen **moved** to approve the agenda with the changes. Robert Hall **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of the January 9, 2014 regular City Council meeting. Councilman Kitchen asked Nikki to clarify his comments on page eight regarding his willingness to serve on the Airport Board. Mayor Baker asked Nikki to add some wording to the discussion on the purchase of the king pin blade for the tractor and to the appointments made by him to the Planning Commission. Dennis Long **moved** to approve the minutes with those changes. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

Nothing was brought forward for discussion

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Connie Patton presented the bills in the amount of \$15,368.88 and asked for approval to pay them. With no questions, Dan Olsen **moved** to approve payment of the bills as presented. Dennis Long **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

APPROVAL OF THE BILLS

A business license application was received from **George T. Weldon Construction** located at 1050 South 1300 East. Mayor Baker asked if this was for a new addition onto their building. Craig said they put an addition onto their building and it was discovered they didn't have a business license. Dennis Long **moved** to accept the license for George T. Weldon Construction. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

BUSINESS LICENSE APPROVAL

Tammy Lucero came before the Council to let them know the local countywide enterprise zone expired on December 31, 2013 and she was seeking Council approval to apply for another five years of the enterprise zone. Ms. Lucero explained the purpose of the enterprise zone is to offer tax credits to qualifying businesses. Ms. Lucero mentioned some of the tax credits. Ms. Lucero stated they decided to go with a countywide enterprise zone because not all of the businesses are located in one spot. Ms. Lucero requested that Naples City adopt the Resolution to be a part of the enterprise zone for the next five years. With no questions or comments, Robert Hall **moved** to adopt Resolution 14-262. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

APPROVE RENEWAL OF ENTERPRISE ZONE - RESOLUTION 14-262

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Cliff Grua came before the Council to discuss the property in Ironwood Subdivision that was designated as an area for a park. Mr. Grua gave Council members a map of the property they were discussing. Mr. Grua stated that everyone was familiar with the situation and the proposals for the park in

DISCUSSION REGARDING IRONWOOD PARK AND SMALL PARKS IN SUBDIVISIONS

Ironwood. Mr. Grua said the area shown on the map as lot 42 has been proposed as the lot for a park. He said the lot is currently in the City's name and as he discussed this with various people in the subdivision he found, for the most part, no one cares one way or the other, some believe it would be good to be put in private ownership, and some say because they were promised a park they should get a park. Mr. Grua said this puts him in an awkward position as so much time has passed. Mayor Baker asked Cliff if he would like him to share what they have been talking about. Councilman Olsen stated he thought they determined in a previous meeting to turn the lot back to Mr. Grua. The other Council members agreed. Mayor Baker said it was discussed but he has had other thoughts. Mayor Baker said he understands that the Recreation District probably doesn't want to take on these small subdivision parks but he thinks they need to rethink it. He had Cliff Grua share what he heard on the TV about St. Paul Minneapolis being one of the healthiest places to live because they have so many green areas. Mr. Grua said they have one within six blocks of every home in that area. Councilman Kitchen said they also have lakes all over and it is a totally different climate than here. Mayor Baker said he has been back and forth on what they should do with these subdivisions and providing a place for the kids to play. He said he has watched the kids in his neighborhood stay in the neighborhood to play and he feels they need those green areas as a place for the kids to play and there won't be a place like that unless the City provides it. Mayor Baker said he doesn't believe that homeowner associations are going to work.

Councilman Kitchen referred to studies that have been done showing that in a community there should be at least five acres of park for every thousand residents. Councilman Kitchen said the City has a fifteen-acre park for a population of just under two thousand and feels like that is plenty of park. Councilman Kitchen also restated that the Recreation District would not take on the neighborhood parks and the City would be looking at furnishing liability coverage and the expense that goes into maintaining them. Councilman Kitchen said you would almost have to create another department just to maintain them. He said it shouldn't be the City's focus to develop individual play grounds.

Mayor Baker said he is talking about a green space that could have a pavilion and somewhere for the kids to play ball, fly a kite, or throw a frisbee.

Councilman Kitchen said the City requires some fairly big yards with the required lot sizes and he thought that is what those yards could be used for. He felt taxes would need to be increased in order to provide the parks and he was opposed to that.

Mayor Baker said he appreciated his comments but a decision needs to be made now in order to give guidance for other subdivisions. He thought in ten years, if the City doesn't obtain the ground, there will be no place for the children to play and no way to get that ground back.

Councilman Long asked Jim, if they were to put four new parks in the City would the road department be able to provide the care and maintenance on them with the people he has now. Jim said he would not be able to. Mayor Baker said he wasn't thinking about having the road department do the maintenance. He asked Jim how much it cost to have the company come and mow the road side park. Jim said it is about \$165 per month to have them mow. Jim said the road department does the fertilizing and upkeep on the sprinkling system. Connie Patton thought it would be about \$1,000 per month for the labor, water, lawn mowing, etc.

Mayor Baker said the Council can vote him down but he thinks they will wish they had those small areas of green space ten years from now. He wondered if they could create a special service district for each subdivision and each homeowner would be assessed a fee to maintain the park. Councilman Kitchen said that is a tax. Mayor Baker said it would be a tax but you are providing a place for their kids to play. Councilman Hall wanted to know about the kids that don't live in the subdivision. Mayor Baker said the parks would be public so you couldn't keep them from it. Councilman Kitchen said if they create the special service district the residents of the subdivision are not going to want others in their park because they are the ones paying for it. Councilman Kitchen said they are just creating a back door to a homeowners association that they would be collecting the money for. Mayor Baker said they could go in and raise the property taxes and create a park department and fund them. He just felt they need to preserve park areas so they have the areas in ten years. Mayor Baker said the idea that Cliff is proposing cuts down on the size of the green space and will still hold the water retention.

Councilman Kitchen said if they go with the national park

numbers the City is way ahead and it doesn't seem unreasonable to travel a mile or two to the park. Mayor Baker said if they want to keep a rural atmosphere in Naples they need to consider this. Councilman Kitchen said they already require some of the widest lots in the area which supports a rural lifestyle. He said, personally, he did not think the City was ready to take on responsibility for the parks. Mayor Baker said Mr. Grua was here to have a decision made on the lot in his subdivision and what he can do. If the City is not doing the park then Mr. Grua would like to narrow down his water retention green strip to the small piece shown on the map and take ownership of lot 42 in order to put another house there. Mayor Baker said he thinks Ironwood, Sunstone, Pheasant Run, and the Farm should all have areas set aside for parks in the subdivisions. Councilman Kitchen asked Mr. Grua where he was going to retain his water in the area, would it be underground or above. Mr. Grua said it would be above ground. Councilman Kitchen wanted to know how they were going to landscape it. Mr. Grua said they could do any type. He stated they have a one foot in five foot slope down to it and they would put cobble rock in the bottom. Mr. Grua said they could use all stone and gravel, it wouldn't be very attractive but it could do the job. Councilman Kitchen said Mr. Grua would have to sell it as attractive because he is the one selling the lots to people. Mr. Grua asked about turning the lot back to the City because he said in the Ordinance it states the park area be deeded back to the City. Councilman Kitchen wanted to know where he found that because he couldn't find it. Councilman Kitchen also wanted to know how the land was deeded to the City in the first place.

Dale Harrison said as they talked about this in Planning Commission the concern was raised about requiring it of all subdivisions. He said if something happens in one of the parks or something happens to a home around the park involving a child that doesn't live in the subdivision then the homeowners around the park will not want those children there. Dale said he likes the park idea but wants to know where the City starts and stops. He didn't think it was fair they were offering this deal to Mr. Grua just because he has the open space. Dale also thought if the City was going to require some type of tax for the parks that's not fair for those who don't live in the subdivision. Mayor Baker said High Country subdivision was put in place before the City was incorporated and wanted to know if Dale wouldn't have liked a park in there. Dale said they would settle for

sidewalks and a decent road. Mayor Baker said they couldn't put a park in High Country now because the opportunity is gone and he doesn't want to see that happen in the newer subdivisions where they have the opportunity to acquire the ground now. Dale said he feels like this would be a big expense to the City; not so much to maintain them but to get them going would be a huge expense.

Councilman Kitchen said the two items for discussion should have been separate on the agenda because they are two different matters. Councilman Kitchen said one matter is a park in every subdivision and the other is what to do with Ironwood. Councilman Kitchen said the Planning Commission should be directed to find out what subdivision developers want; do they want land set aside for small parks or not? Mayor Baker asked if that was a motion. Councilman Kitchen said he would like to hear from the others. Councilman Hall said they would be setting a precedent if they made this decision for Ironwood. Councilman Hall said he would have to be convinced about the City taking on the small parks and the willingness of the citizens to take them on. Councilman Hall said there will be those citizens that benefit from it directly and others not as much. Councilman Hall said it's hard for him to come tonight and make a decision across the board. Councilman Olsen said when you use the word "park" he thinks about Naples City park and compares that with an open field that is a water retention area. He said it is hard to make a water retention area into a park. Councilman Hall wanted to know what they mean by park. Councilman Olsen said the idea of having a place for kids is a great one, they all agree on that. He stated the problem is the maintenance and the visual appearance. Councilman Kitchen said the cost for parks are extreme. Mr. Grua said they still have these couple of areas that exist and whatever happens in the future they need to decide now what to do with them. Mayor Baker said the area Mr. Grua is talking about was originally set aside to be a green space so they would be going backward if they go with the idea presented. Councilman Kitchen said a green space is different from a park. Councilman Long asked Mr. Grua, if the City puts in this small park, would his subdivision support it and pay for it. Mr. Grua said they don't want a home owners association and he doesn't think they would be happy if they were assessed money to pay for it if it's a public park. He said they want it, they just don't want to pay for it. Mayor Baker said he was contacted by Shane Mayberry who told him the City needed to keep the green space in Ironwood because that is what was originally agreed to. Mr.

Grua said if it is going to be public it needs to be paid for by the public. Councilman Long said that is what it comes down to, everyone would like the green space but they don't want to pay for it. Councilman Kitchen **moved** to turn the property back to Cliff Grua and stated he will be liable for any taxes that may come back on it because it's been the City's. He said Mr. Grua can proceed with what has been engineered. Councilman Kitchen wanted to include as part of his motion that the Planning Commission can let subdivision developers know the City does not want to be in the business of small parks. Kenneth Reynolds **seconded** the motion. Councilman Olsen had a **question** on the motion. He wanted to know if the City had the option of requiring Cliff to make this a green space as was originally agreed to. Cliff said the subdivision doesn't want to be responsible for the liability and maintenance. Councilman Hall said that is the City's position also. Councilman Olsen said if they put lot 42 in they've done away with any green space. Mr. Grua wanted to know if it was an option for the City to maintain ownership of the water retention area. Councilman Olsen said the City doesn't want it. Councilman Kitchen said his motion stands because he doesn't think Mr. Grua wants to maintain it as a green space. He said the City has no way to police how it's maintained. Mr. Grua said he's caught in the middle because it was promised to be a park. Councilman Olsen said he feels like it's an eye sore next to the golf course and for the subdivision. He said most green spaces would be located back away where you can't see them. Councilman Kitchen said he would let his motion stand. With no other discussion the motion passed with all voting aye.

Craig Blunt presented the second change order from SCI for the Hwy 40 street light project and the second draw request. Craig told the Council when UDOT ordered the light poles they were supposed to be drilled for placement of receptacles and they were not. Craig said SCI drilled the holes and mounted the receptacles and they were asking for reimbursement in the amount of \$4,032.40. Craig said this was a UDOT error and they will be reimbursing the cost. Gordon Kitchen **moved** to accept the change order. Kenneth Reynolds **seconded** the motion. The motion passed as follows:

***CHANGE ORDER FOR
HWY 40 STREET LIGHT
PROJECTS***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye

Gordon Kitchen Aye

Craig presented the second draw request from SCI for the Hwy 40 street light project. The amount requested was \$87,117.15 with a retainage amount of \$4,355.86. Craig said the total amount to be paid will be \$82,761.39. Dan Olsen **moved** to approve draw number two. Robert Hall **seconded** the motion. The motion passed with the following roll call:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Councilman Kitchen wanted to know the length of time for the retainage and what the amount is. Craig said it is 5% for the project and they keep it until they make sure all of the odds and ends are taken care of. Craig said they will keep it until they complete the contract.

Jim Harper came before the Council to request approval to purchase two-way radios. Jim said they have cell phone communication with the police department but they would like to purchase the radios in order to have radio communication with each other and with the police department. The total to add radios to all of their vehicles was \$3,114.00. Councilman Long wanted to know how the radios were chipped. Chief Watkins said they would be able to hear the county but they have a channel specifically for Naples City. Kenneth Reynolds **moved** to accept the \$3,114 for radios. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***APPROVE PURCHASES IN
ROAD DEPARTMENT***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Harper asked approval to send Ryan Cook and Szeth Simmons to St. George to attend the weed conference. Jim said the location of this conference varies each year and this year it is down south. The requested travel amount was \$661.66. Mayor Baker wanted to know if they needed to send Szeth and wanted to know if he was licensed. Jim said he is licensed and the new law states if anyone is to spray

TRAVEL APPROVAL

the weeds they have to be licensed. Jim said they need this training to keep their certification hours. Councilman Hall wanted to know how many hours they need. Jim said he could not remember but he knew if they missed this training they would not be spraying weeds this year because they are that close on training hours. Dennis Long **moved** to approve the \$661.66. Mayor Baker pointed out that the conference provides at least three meals and wanted to know if they could drop off a day of per diem for each. Jim said they could do that. Dennis **amended** the motion to approve \$601.66. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Harper asked approval to attend the ULGT winter conference in Salt Lake City. He said he would be going out and coming back the same day if the weather was good. Dan Olsen **moved** to approve the \$30. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Craig Blunt said he received three bids to survey the property at 1758 East 1900 South. He said all three companies received the same list of items to do. Tri-State Engineering, Timberline Engineering and Uintah Engineering were the three bidders. Craig said each company would do a good job. Craig asked the Council if they would be willing to add a survey of the Fire Station to the bid. He said as they met with Strata about the remodel of the fire station it was determined that the fence needs to be moved. Craig said they need to know where the property lines are. Craig reported that Strata is okay with the City moving the fence but they want to know where the correct property lines are. Craig said he will only need three points and it shouldn't be more than \$3,000. Councilman Reynolds said if Uintah Engineering submitted the low bid they should go with them. Councilman Long wanted to make sure the bid from UELS was the actual price

***REVIEW AND APPROVE
BIDS FOR PROPERTY AT
1758 E 1900 S AND FIRE
STATION PROPERTY***

because the bid said "estimated price." Kenneth Reynolds **moved** to approve the bid from UELS as long as it is a firm number. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Nikki Kay provided Council members with a copy of the City's financial statement. Mayor Baker asked if anyone on the Council had any questions. Councilman Long said it looked like everything was in line with the percentage of the year passed. No action was taken.

REVIEW QUARTERLY FINANCIAL STATEMENTS

Recreation District - Councilman Kitchen said he didn't have too much to report with the Recreation District. He said they are starting their capital projects workshops next month. He said he would like to push for renovation of the older pavilion. Councilman Reynolds wanted to make sure they don't forget the benches around the walking path. Gordon said that is still on the list, it's just not a capital project. Mayor Baker wanted to know if they ever considered doing a second phase on the splash park. Councilman Kitchen said that has never been on their master study as they've held the public hearings. Mayor Baker asked the students in attendance if they would be interested in a splash park geared more toward teenagers. The comments were positive for something like that in this area. Councilman Kitchen said they have limited resources and most of those are centered on the Kay park. Councilman Kitchen said he would bring it up with them. Craig Blunt asked about the golf course entry. Councilman Kitchen said they have been talking about it and he thought they were speaking with engineers' about it. Craig said it would be nice, as the City works on redoing the golf course corner, if they could coordinate the two projects. Councilman Kitchen said he thought someone with the Recreation District was supposed to get with Craig about it and he would follow up on it.

SPECIAL SERVICE DISTRICT UPDATES

Planning Commission - Councilman Reynolds said he didn't have anything to report. Dale Harrison, the Planning Commission Chairman, reported that Mark Partridge was elected as the Vice-Chairman and feels he will be a great asset to step into that role. Dale said they also completed

their open and public meetings training.

Impact Mitigation SSD - Councilman Long said the District has been working on acquiring funds for the new conference center and they have made sure the center will be large enough for the needs of the area.

Animal Control SSD - Councilman Olsen said the District no longer has officers on call. He said they will be available for emergency stand-by if needed. Councilman Olsen said this might affect the police department if something comes up during those times. Councilman Olsen said that Dennis Judd met with Tina of the Animal Shelter and they cleaned up some of the Unified Animal Control Ordinance and they should be on track for the workshop in March.

Fire Control SSD - Councilman Hall said he appreciated Craig meeting with Jeremy Raymond and the people from Strata about the fire station remodel. He said they should have an architect awarded next month and he will be glad when they get it started. Councilman Hall also reported that in 2012 the fire department answered fifty-two calls and in 2013 they responded to one hundred and ten with the biggest increase due to fire alarms. Craig said he was researching the rules on that and said the building official and Fire Marshall can take the opportunity to have the installer work on the alarms to make them less sensitive. He said this came about because of this very issue with false alarms.

Road Department - Jim said they have been rebuilding the Christmas decorations and have them about 65% complete. He said they have the roof on the north side of building almost complete. Jim said they noticed that 1300 East, where they are doing the drainage project, needs to be restored. He felt it was beyond repair right now. Jim said SCI has all the boxes installed to IFA and they have the conduit to that point. Jim said all of the foundations are in for the lights and the last of the poles should be in next week. Jim said they are also working on the golf course corner.

Councilman Hall wanted to know if Craig Martin ever contacted him about the trees behind their home. Mayor Baker said he spoke with them and they want someone to cut down the trees that are north of their home blocking their view. The trees lie on the City's park property.

Police Department - Chief Watkins said he has been working on the new car lease program. Councilman Reynolds asked if they've noticed an increase in calls with the increase in residents. He stated they have noticed an increase but they have been mostly disturbance calls, many of them to the motel. Chief Watkins also expressed his appreciation for the new street lights. Mayor Baker asked if everything was going okay with the change with Central Dispatch. Chief Watkins said it is going fine.

Mayor Baker asked Nikki Kay about the codification. Nikki stated that Dennis Judd has been reviewing the codification and is planning to review some of them at the meeting in February.

Mayor Baker asked Craig about the remodel project. Craig said they are getting close to being finished. Craig said he would like a couple of extra security features for a couple of the inside doors. Craig said he will wait on those.

Craig asked the Council if they have any project they would like to apply to the Community Impact Board for the February 1st deadline. Craig handed out the project list to see if there was anything they are interested in. Craig said he could put together a presentation on the box culverts before he could have one ready on the community center. Mayor Baker said one of the canal people told him they wouldn't do the canal 100' at a time. He was told they should do at least 500-600'. Mayor Baker said the location of the street lights on the project list was not clear. Craig said it is 1900 South. Mayor Baker wanted to know if there would be any issue if they were to ask for street lights back to back. Craig said it doesn't really matter because they pull the City's file. Councilman Olsen thought the lights on 1900 South would be good because it involves the school and the park and night time activities. Councilman Hall thought it was a safety issue and should be a good project. Mayor Baker wanted to know what kind of light he was thinking of. Craig said there is one pole by the splash park with a single head light and they could try to match it. He thought they would look good going down both sides of the road. Councilman Hall wanted to know if that would be too much lighting for the residents. Craig wanted to know if they wanted a different style. Mayor Baker said something similar to the Hwy 40 lights might be good. Craig said he would look for something less intrusive but decorative.

OTHER MATTERS

With no other business before the Council, Kenneth Reynolds
moved to adjourn the meeting at 9:20 p.m. Gordon Kitchen
seconded the motion. The meeting was adjourned.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 13th DAY OF FEBRUARY 2014

BY: _____

ATTEST: _____